

Child Custody Attorney Steve Eisman Wins Case in the Appellate Division

FEATURED ATTORNEY



Steven J. Eisman

Executive Partner

Lake Success, NY, April 1, 2014 – Divorce and child custody attorney, [Steven J. Eisman](#), recently won a case in the Appellate Court. During the pendency of a divorce action, Mr. Eisman's client and the parties' son had relocated to the State of California. Almost two (2) years after the relocation, and with the divorce proceedings still ongoing, Mr. Eisman requested that Suffolk Supreme Court decline continuing jurisdiction over the custody and parenting issues. Mr. Eisman argued that California was now the proper forum to hear these issues.

The husband opposed this application relying upon an agreement that the parties had entered into which provided that the Suffolk Court would retain jurisdiction over all of the matters of the parties' divorce, notwithstanding our client's relocation.

In August, 2013, after hearing arguments from both counsel and conferring with the California Court, the Suffolk County Supreme Court granted Mr. Eisman's request and declined to exercise continued jurisdiction. The husband's counsel successfully persuaded an Appellate Division judge to issue a stay of the decision pending the perfection of an appeal to the Appellate Division, Second Department. The issues were then briefed, and on February 10, 2014, Mr. Eisman argued before a four-judge panel at the Appellate Division.

On March 5, 2014, the Appellate Court lifted the initial stay and issued a decision affirming the Suffolk County Supreme Court's decision, holding the Court may decline to exercise jurisdiction if it finds that New York is an inconvenient forum despite the fact that the remainder of the divorce proceeding stayed in New York, and notwithstanding that the parties may have agreed previously that New York retained jurisdiction over custody related issues. Mr. Eisman's client is now able to deal with the issues of custody and visitation in her home State.